

Message Text

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ACTION NEA-10

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FM AMCONSUL ISTANBUL

TO SECSTATE WASHDC 8680

INFO AMCONSUL ADANA

AMEMBASSY ANKARA

AMCONSUL IZMIR

AMEMBASSY KUALA LUMPUR

AMCONSUL MONTREAL

AMEMBASSY ROME

AMEMBASSY TEL AVIV

AMEMBASSY TRIPOLI

LIMITED OFFICIAL USE ISTANBUL 1257

E.O. 11652: N/A

TAGS: PINS, TU

SUBJECT: APPELATE COURT RECOMMENDS DEATH PENALTY FOR ISTANBUL AIRPORT
TERRORISTS

REF: (A) 76 ISTANBUL 4499; (B) 76 ISTANBUL 4185

1. TURKISH COURT OF APPEALS HAS REJECTED LIFE IMPRISONMENT SENTENCE
IMPOSED ON TWO TERRORISTS FOR ISTANBUL AIRPORT ATTACK ON EL AL
PASSENGERS AUGUST 11, 1976, AND RULED THAT DEATH PENALTY IS
MANDATORY, ACCORDING TO APRIL 11 STORY IN NATIONAL DAILY NEWSPAPER
GUNAYDIN. LOCAL ATTORNEY FOLLOWING CASE CONFIRMED THAT APPELATE
COURT REMANDED CASE TO ISTANBUL HEAVY PENALTY COURT FOR RECON-
SIDERATION OF ITS DECISION. UNDER TURKISH CRIMINAL PROCEDURES,
SENTENCES OF MORE THAN TEN YEARS' IMPRISONMENT ARE
AUTOMATICALLY REVIEWED BY APPELATE COURTS.

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2. HEAVY PENALTY COURT, POSSIBLY AFTER FURTHER PUBLIC HEARINGS,
CAN EITHER ACCEPT APPELATE COURT DECISION OR STAND BY ITS LIFE
IMPRISONMENT SENTENCE. IN EVENT COURT HOLDS TO ITS ORIGINAL
SENTENCE, CASE APPARENTLY WILL BE REFERRED TO HIGHEST COURT OF
CRIMINAL CASSATION (SUPREME COURT PENAL GENERAL ASSEMBLY) WHICH
WILL FINALLY DETERMINE WHICH SENTENCE IS TO BE EXECUTED.

3. FIVE MONTH DELAY IN REVIEWING CASE (SENTENCING TOOK PLACE NOVEMBER 16, 1976) DOES NOT APPEAR OUT OF ORDINARY FOR TURKISH JUDICIAL SYSTEM. IN DRUG CASE INVOLVING AMERICAN CITIZEN, IT TOOK MORE THAN TWO YEARS FOR APPELATE SYSTEM TO FINALLY IMPOSE MORE SEVERE PENALTY THAN WAS ORIGINALLY HANDED DOWN BY LOWER COURT. AS REPORTED REFEELS, NUMBER OF LEGAL EXPERTS QUESTIONED LIFE SENTENCES FOR TWO TERRORISTS ON MURDER CHARGES (FOUR PERSONS WERE KILLED IN ATTACK) WHEN CRIMINAL CODE APPEARS TO REQUIRE DEATH PENALTY.

4. MEANWHILE, TWO PALESTINIAN TERRORISTS HAVE BEEN HELD SINCE SENTENCING IN ISTANBUL PRISON AND STILL FACE OUTSTANDING CHARGES FOR ILLEGAL IMPORTATION OF ARMS AND EXPLOSIVES.

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